



HUNTON & WILLIAMS LLP  
BANK OF AMERICA PLAZA  
SUITE 4100  
600 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000  
FAX 404 • 888 • 4190

JEFFREY S. DEHNER  
DIRECT DIAL: 404-888-4021  
EMAIL: [jdehner@hunton.com](mailto:jdehner@hunton.com)

FILE NO: 23797.000952

October 31, 2014

Chief, Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
Re: DOJ No. 90-5-1-1-10673

Chief, Pesticides and Toxics Compliance Section  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (LC-8J)  
Chicago, IL 60604

Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, IL 60604

Re: Initial Periodic Report  
Consent Decree between the United States of America and Lowe's Home Centers, LLC  
(Lowe's)  
DOJ No. 90-5-1-1-10673  
Effective Date: August 18, 2014

To Whom it May Concern:

This is to serve as the initial periodic report regarding implementation of the above-referenced Consent Decree (CD). This report is required to be submitted to the United States on or before October 31, 2014, the last day of the month following 60 days of the Effective Date of the CD (*CD Paragraph 21*). Specific periodic reporting requirements and status details are set forth below.



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**INITIAL PERIODIC REPORT REQUIREMENTS (CD PARAGRAPH 21(B))**

**1. RRP Firm Certification**

**CD Requirement**

State or document that Lowe's RRP Firm Certification is current as required in CD Paragraph 13 (*CD Par. 21.b.i*).

**Compliance Status**

Pursuant to 40 C.F.R. Part 745.89(a), Lowe's RRP Firm Certification is current.

**2. Compliance Manager**

**CD Requirement**

Identify the date and identity of the Compliance Manager selected as provided in CD Paragraph 14.a (*CD Par. 21.b.ii*).

**Compliance Status**

Lowe's has designated Crystal Wray (Lowe's Director of Services Pricing and Licensing) as Compliance Manager, to be a point of contact to monitor its compliance with the requirements of the CD, and to be the liaison with U.S. EPA for purposes of implementing the CD. Ms. Wray was designated as Compliance Manager by Lowe's before the Effective Date of the CD.

**3. Website Link**

**CD Requirement**

Identify the date that the link required in Paragraph 14.b was established (*CD Par. 21.b.iii*).

**Compliance Status**

Lowe's included U.S. EPA's web link providing information on lead-safe work practices (currently at <http://www2.epa.gov/lead/renovation-repair->



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and-painting-program) in the "Installation Services" section of its public internet website on August 26, 2014. This link is located at [http://www.lowes.com/cd\\_Installation+Services\\_296946035\\_](http://www.lowes.com/cd_Installation+Services_296946035_).

#### **4. Computerized Selling Tool**

##### **CD Requirement**

Identify the date that Lowe's revised its computerized selling tool as required by CD Paragraph 14.c (*CD Par. 21.b.iv*).

##### **Compliance Status**

Lowe's activated a prompt in its computerized selling tool in accordance with CD Paragraph 14.c on August 22, 2014.

#### **5. Checklist**

##### **CD Requirement**

Identify the date that Lowe's posted the "Lowe's Installer LRRP Checklist for Renovations Performed in Pre-1978 Housing and Child-Occupied Facilities" (Checklist) on its Installer intranet portal along with instructions to use the Checklist as required in CD Paragraph 18.a (*CD Par. 21.b.v*).

##### **Compliance Status**

Lowe's posted the required Checklist and instructions for using the Checklist on its Installer intranet portal on July 21, 2014.

#### **6. Written Summary Distribution**

##### **CD Requirement**

Provide a written summary of the requirements in Section VI of the Consent Decree to regional and area field service installed sales employees, who shall communicate the requirements in Section VI of this Consent Decree to store level installed sales employees whose duties, reasonably include compliance with CD Section VI. (*CD Par. 6.b*).



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### **Compliance Status**

Lowe's provided a written summary of the Compliance Requirements set forth in Section VI of the CD to its regional and area field service installed sales employees by e-mail communication on July 15 and August 4, 2014, as required by CD Paragraph 6.b. In addition, the CD requirements were verbally communicated to all regional and area field service installed sales employees at a conference on April 9, 2014.

### **PERIODIC REPORT REQUIREMENTS (CD PARAGRAPH 21(C))**

#### **1. RRP Firm Certification**

##### **CD Requirement**

Report any change to the status of Lowe's RRP Firm Certification required by Paragraph 13, identification of its Compliance Manager as required by Paragraph 14, or any relocation of the link required in CD Paragraph 14.b. (*CD Par. 21.c.i*).

##### **Compliance Status**

The RRP Firm Certification, formerly held by Lowe's HIW, Inc. and Lowe's Home Centers, Inc., is now in the name of Lowe's Home Centers, LLC (NAT-89121-1).

#### **2. Communication to Certified Firms and Certified Renovators**

##### **CD Requirement**

Identify the information set forth in Paragraph 16, that Lowe's communicated to Certified Firms and Certified Renovators, or note that no updates were necessary (*CD Par. 21.c.ii*).

##### **Compliance Status**

No updates to Lowe's Installer intranet portal were necessary during this reporting period, as there has been no new U.S. EPA guidance or final regulatory changes to the RRP Rule posted on U.S. EPA's RRP website, nor has there been new guidance on CD implementation issues.



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**3. Suspension of Certified Firms and/or Renovators for Expired Certifications**

**CD Requirement**

Include information about suspensions of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.b. (*CD Par. 21.c.iii*).

**Compliance Status**

Lowe's AIM Tool automatically tracks and removes Certified Firms and/or Certified Renovators with any expired license, including RRP certifications, from its installer rotation system on a rolling basis. Removed installers are thereafter ineligible for project assignments until they provide documentation of license or certification renewal. At that point, the system is updated and the installer is returned to eligible rotation for projects.

**4. Suspension of Certified Firms and/or Renovators for Non-Compliance**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.c, if any, along with the general location of stores that suspended such Certified Firms and/or Certified Renovators (*CD Par. 21.c.iv*).

**Compliance Status**

Lowe's has suspended one independent Certified Firm from its installer rotation resulting from a customer complaint in the northern Colorado market.

**5. Certified Firms and/or Renovators that Failed to Complete Checklist**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators that Lowe's paid for a Renovation performed in Target Housing or Child-Occupied Facility, but that failed to complete a Checklist as set forth in CD Paragraph 18.b. (*CD Par. 21.c.v*).



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### **Compliance Status**

To the best of Lowe's information and belief, one Certified Firm was paid prior to completing the Checklist during this reporting period. This Firm, noted in Section 4 of this report, has been suspended, and a review of this matter is ongoing.

## **6. Complaints**

### **CD Requirement**

Include a summary of the results of Lowe's completed inquiries into each Complaint received as set forth in CD Paragraph 19 of the CD, since the previous periodic report was submitted, or, if Lowe's inquiry is ongoing, a statement identifying when the inquiry began and that the inquiry is ongoing. If the inquiry is ongoing, Lowe's shall provide a summary of the status of the inquiry in subsequent periodic reports until such inquiry is completed (*CD Par. 21.c.vi*).

### **Compliance Status**

Lowe's is currently conducting an inquiry into two customer complaints alleging a Certified Firm's noncompliance with lead safe work practices, as outlined below.

#### **Northern Colorado Complaint**

This complaint, also referenced in Sections 4 and 5 of this report, alleges that the Certified Firm did not observe lead safe work practices during a window installation project. Lowe's inquiry began on October 13, 2014, and is ongoing. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report until such inquiry is completed.

#### **Upstate New York Complaint**

This complaint was received in July 2014, and an inquiry began immediately thereafter and is currently ongoing. The customer alleges that the Certified Firm did not observe lead safe work practices during a kitchen remodeling project. Although this complaint arose prior to the Effective Date of the Consent Decree, Lowe's has elected to report this



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matter and will provide a summary of the status of the inquiry in a subsequent periodic report until such inquiry is completed.

## 7. Deviations

### CD Requirement

In any Renovation performed in Target Housing or Child-Occupied Facility where Lowe's inquiry of a Complaint confirms, in Lowe's opinion, a deviation from lead safe work practices by a Certified Firm and/or Certified Renovator, Lowe's shall include a copy of the certification from a Certified Firm and/or Certified Renovator that the area has been cleaned, as provided in CD Paragraph 20 (*CD Par. 21.c.vii*).

### Compliance Status

As stated above, Lowe's is currently conducting an inquiry into a customer complaint alleging a Certified Firm's noncompliance with lead safe work practices at a project in the northern Colorado market. Lowe's has removed the Firm from its rotation as the inquiry continues, and is currently working with the customer to arrange for a new Firm to perform post cleaning verification at the customer's residence. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report, including (if necessary) a copy of the certification required by Paragraph 20 of the CD.

If you have any questions or comments regarding the completion of these tasks, or need any further information, please let us know.

Sincerely,

Jeffrey S. Dehner

Cc:

Jeff Vining, Esq.  
Bill Wehrum, Esq.







HUNTON & WILLIAMS LLP  
BANK OF AMERICA PLAZA  
SUITE 4100  
600 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000  
FAX 404 • 888 • 4190

ANNIE M. COOK  
DIRECT DIAL: 404-888-4093  
EMAIL: [acook@hunton.com](mailto:acook@hunton.com)

FILE NO: 23797.000952

February 27, 2015

Chief, Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
Re: DOJ No. 90-5-1-1-10673

Chief, Pesticides and Toxics Compliance Section  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (LC-8J)  
Chicago, IL 60604

Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, IL 60604

Re: Second Periodic Report  
Consent Decree between the United States of America and Lowe's Home Centers, LLC  
(Lowe's)  
DOJ No. 90-5-1-1-10673  
Effective Date: August 18, 2014

To Whom it May Concern:

This is to serve as the second periodic report regarding implementation of the above-referenced Consent Decree (CD). This report is required to be submitted to the United States on or before February 28, 2015, 30 days following the end of the first 90-day reporting period. (*CD Paragraph 21*). Specific periodic reporting requirements and status details are set forth below.

**PERIODIC REPORT REQUIREMENTS (CD PARAGRAPH 21(C))**

**1. RRP Firm Certification**

**CD Requirement**

Report any change to the status of Lowe's RRP Firm Certification required by Paragraph 13, identification of its Compliance Manager as required by Paragraph 14, or any relocation of the link required in Paragraph 14.b. (*CD Par. 21.c.i*).

**Compliance Status**

Since submission of the initial periodic report, there have not been any changes to the status of Lowe's RRP Firm Certification, the identity of its Compliance Manager, or the location of the link required in Paragraph 14.b.

**2. Communication to Certified Firms and Certified Renovators**

**CD Requirement**

Identify the information set forth in Paragraph 16, that Lowe's communicated to Certified Firms and Certified Renovators, or note that no updates were necessary. (*CD Par. 21.c.ii*).

**Compliance Status**

No updates to Lowe's Installer intranet portal were necessary during this reporting period, as there has been no new U.S. EPA guidance or final regulatory changes to the RRP Rule posted on U.S. EPA's RRP website, nor has there been new guidance on CD implementation issues.

**3. Suspension of Certified Firms and/or Renovators for Expired Certifications**

**CD Requirement**

Include information about suspensions of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.b. (*CD Par. 21.c.iii*).

**Compliance Status**

No firms have been suspended for having an expired RRP Rule certification. Lowe's computerized tracking system automatically removes Certified Firms and/or Certified Renovators with expired RRP certifications from its installer

rotation system on a rolling basis. Because such Firms and/or Renovators are no longer part of Lowe's installer rotation system, they are not eligible for project assignments until they provide documentation of license or certification renewal. At that point, the system is updated and the installer is eligible for the rotation for project assignments.

**4. Suspension of Certified Firms and/or Renovators for Non-Compliance**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.c, if any, along with the general location of stores that suspended such Certified Firms and/or Certified Renovators. (*CD Par. 21.c.iv*).

**Compliance Status**

During this reporting period, Lowe's has suspended three independent Certified Firms from its installer rotation for possible non-compliance, although Lowe's has not yet made a determination of whether these Firms were in compliance with the RRP rule. These suspensions resulted from customer complaints originating in the Colorado and Michigan markets, which are still under investigation.

**5. Certified Firms and/or Renovators that Failed to Complete Checklist**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators that Lowe's paid for a Renovation performed in Target Housing or Child-Occupied Facility, but that failed to complete a Checklist as set forth in CD Paragraph 18.b. (*CD Par. 21.c.v*).

**Compliance Status**

One independent Certified Firm was paid prior to completing the Checklist during this reporting period. This Firm, one of the three Firms noted in Section 4 of this report, has been suspended pending the outcome of Lowe's investigation.

**6. Complaints**

**CD Requirement**

Include a summary of the results of Lowe's completed inquiries into each Complaint received as set forth in CD Paragraph 19 of the CD, since the previous periodic report was submitted, or, if Lowe's inquiry is ongoing, a statement identifying when the inquiry began and that the inquiry is ongoing. If the inquiry is ongoing, Lowe's shall provide a summary of the status of the inquiry in subsequent periodic reports until such inquiry is completed. (*CD Par. 21.c.vi*).

**Compliance Status**

Lowe's has completed inquiries into one complaint since the initial periodic report was submitted. Inquiries are ongoing with regard to five customer complaints, which alleged that Certified Firms were noncompliant with lead safe work practices, as outlined below.

**a. Completed Inquiries**

**Upstate New York Complaint**

This complaint was received in July 2014, prior to the Effective Date of the Consent Decree, but Lowe's elected to report it in its initial periodic report. Lowe's inquiry into the complaint began immediately after it was received, and the inquiry is now complete. The customer alleged that the Independent Certified Firm did not observe lead safe work practices during a kitchen remodeling project. Lowe's confirmed that a lead test was performed and the results were positive, but that lead safe practices were sold and used by the Independent Certified Firm during the installation. The Independent Certified Firm has resolved the matter with the customer.

**b. Ongoing Inquiries**

**Northern Colorado Complaint**

This complaint alleged that the Certified Firm did not observe lead safe work practices during a window installation project. Lowe's inquiry began on October 13, 2014, and the inquiry is ongoing. The installer has been suspended pending the outcome of the inquiry. Lowe's is in contact with EPA Region 8 on this matter and will provide a summary of the status of the inquiry in a subsequent periodic report until such inquiry is complete.

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**Northern Michigan Complaint #1**

In November 2014, Lowe's received a complaint alleging that an Independent Certified Firm did not observe lead safe work practices during an entry door installation project. Lowe's initiated an inquiry immediately and its investigation is ongoing. Lowe's suspended the installer for this project pending the outcome of its investigation. Post-cleaning verification was performed and the issue was resolved with the customer. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report until it is complete.

**Northern Michigan Complaint #2**

In late November 2014, Lowe's received a complaint from a customer alleging that an Independent Certified Firm did not observe lead safe work practices during a project involving window installation. An inquiry was initiated immediately and the investigation is ongoing. Lowe's is in contact with the customer and the installer has been suspended from rotation. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report until it is complete.

**Northwestern Connecticut Complaint**

In February 2015, Lowe's received a complaint from a customer alleging that the Independent Certified Firm did not observe lead safe work practices during a window installation project. Lowe's began an inquiry and it is ongoing. It has not yet been determined whether the installer will be suspended. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report until such inquiry is complete.

**Southern New York Complaint**

In December 2014, Lowe's received a complaint from a customer alleging that the Independent Certified Firm did not observe lead safe work practices during a window installation project. Lowe's began an inquiry and it is ongoing. It has not yet been determined whether the installer will be suspended. Lowe's will provide a summary of the status of the inquiry in a subsequent periodic report until such inquiry is complete.

February 27, 2015

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**7. Deviations**

**CD Requirement**

In any Renovation performed in Target Housing or Child-Occupied Facility where Lowe's inquiry of a Complaint confirms, in Lowe's opinion, a deviation from lead safe work practices by a Certified Firm and/or Certified Renovator, Lowe's shall include a copy of the certification from a Certified Firm and/or Certified Renovator that the area has been cleaned, as provided in CD Paragraph 20. (*CD Par. 21.c.vii*).

**Compliance Status**

To date, Lowe's has not confirmed, in its opinion, a deviation from lead safe work practices by a Certified Firm and/or Certified Renovator. As stated above, Lowe's is currently conducting inquiries into customer complaints alleging noncompliance of Independent Certified Firms with lead safe work practices at projects in Michigan, New York, Connecticut, and Colorado. Lowe's will provide a summary of the status of the inquiries in a subsequent periodic report, including (if necessary) a copy of the certification required by Paragraph 20 of the CD.

All of the above information is provided to the best of Lowe's information and belief. If you have any questions or comments regarding the completion of these tasks, or need any further information, please let us know.

Sincerely,



Annie M. Cook

cc:

Jeff Vining, Esq.  
William Wehrum, Esq.



HUNTON & WILLIAMS LLP  
BANK OF AMERICA PLAZA  
SUITE 4100  
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TEL 404 • 888 • 4000  
FAX 404 • 888 • 4190

M. CLARE ELLIS  
DIRECT DIAL: 404-888-4031  
EMAIL: [cellis@hunton.com](mailto:cellis@hunton.com)

FILE NO: 23797.000952

May 29, 2015

Chief, Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
Re: DOJ No. 90-5-1-1-10673

Chief, Pesticides and Toxics Compliance Section  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (LC-8J)  
Chicago, IL 60604

Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, IL 60604

Re: Third Periodic Report  
Consent Decree between the United States of America and Lowe's Home Centers, LLC  
(Lowe's)  
DOJ No. 90-5-1-1-10673  
Effective Date: August 19, 2014

To Whom it May Concern:

This is to serve as the third periodic report regarding implementation of the above-referenced Consent Decree (CD). This report is required to be submitted to the United States on or before May 29, 2015, 30 days following the end of the second 90-day reporting period. (*CD Paragraph 21*). Specific periodic reporting requirements and status details are set forth below.

**PERIODIC REPORT REQUIREMENTS (CD PARAGRAPH 21(C))**

**1. RRP Firm Certification**

**CD Requirement**

Report any change to the status of Lowe's RRP Firm Certification required by Paragraph 13, identification of its Compliance Manager as required by Paragraph 14, or any relocation of the link required in Paragraph 14.b. (*CD Par. 21.c.i*).

**Compliance Status**

Since submission of the second periodic report, there have not been any changes to the status of Lowe's RRP Firm Certification, the identity of its Compliance Manager, or the location of the link required in Paragraph 14.b.

**2. Communication to Certified Firms and Certified Renovators**

**CD Requirement**

Identify the information set forth in Paragraph 16, that Lowe's communicated to Certified Firms and Certified Renovators, or note that no updates were necessary. (*CD Par. 21.c.ii*).

**Compliance Status**

Lowe's updated its installer intranet portal to reflect amendments to the RRP Rule that went into effect April 16, 2015 concerning extension of renovator certifications. Lowe's communicated to Certified Renovators via its installer intranet portal that renovators who were certified under the RRP Rule on or before March 31, 2010 have until March 31, 2016 to complete their refresher training, and that individuals who were certified between April 1, 2010 and March 31, 2011 have one year added to their original 5-year certification. *Final Rule, 73 Fed. Reg. 20444 (April 16, 2015)*.

There has been no other new U.S. EPA guidance or final regulatory changes to the RRP Rule posted on U.S. EPA's RRP website, nor has there been new guidance on CD implementation issues.



**3. Suspension of Certified Firms and/or Renovators for Expired Certifications**

**CD Requirement**

Include information about suspensions of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.b. (*CD Par. 21.c.iii*).

**Compliance Status**

No firms have been suspended for having an expired RRP Rule certification. Lowe's computerized tracking system automatically removes Certified Firms and/or Certified Renovators with expired RRP certifications from its installer rotation system on a rolling basis. Because such Firms and/or Renovators are no longer part of Lowe's installer rotation system, they are not eligible for project assignments until they provide documentation of license or certification renewal. At that point, the system is updated and the installer is eligible for the rotation for project assignments.

**4. Suspension of Certified Firms and/or Renovators for Non-Compliance**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.c, if any, along with the general location of stores that suspended such Certified Firms and/or Certified Renovators. (*CD Par. 21.c.iv*).

**Compliance Status**

Lowe's suspended two independent Certified Firms in accordance with CD Paragraph 17.c for possible non-compliance with the RRP Rule since the last periodic report. These firms are respectively located in the North Central Washington and West Virginia markets. In addition, the three firms suspended in the Colorado and Michigan markets during the last reporting period are still under suspension, as discussed further below.

**5. Certified Firms and/or Renovators that Failed to Complete Checklist**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators that Lowe's paid for a Renovation performed in Target Housing or Child-Occupied Facility, but that failed to complete a Checklist as set forth in CD Paragraph 18.b. (*CD Par. 21.c.v*).

**Compliance Status**

To the best of Lowe's information and belief, potentially one (1) independent Certified Firm was paid prior to completing the Checklist during this reporting period and relates to the West Virginia complaint still under investigation.

**6. Complaints**

**CD Requirement**

Include a summary of the results of Lowe's completed inquiries into each Complaint received as set forth in CD Paragraph 19 of the CD, since the previous periodic report was submitted, or, if Lowe's inquiry is ongoing, a statement identifying when the inquiry began and that the inquiry is ongoing. If the inquiry is ongoing, Lowe's shall provide a summary of the status of the inquiry in subsequent periodic reports until such inquiry is completed. (*CD Par. 21.c.vi*).

**Compliance Status**

Lowe's has completed inquiries into 4 complaints since the second periodic report was submitted. Inquiry is ongoing with regard to 3 customer complaints, as outlined below.

**a. Completed Inquiries**

**Northern Colorado Complaint**

This complaint alleged that the independent Certified Firm did not observe lead safe work practices during a window installation project. Lowe's investigation into the complaint, which began in October 2014, corroborates that the independent Certified Firm appears to have deviated from lead safe work practices, and the installer remains suspended. Lowe's arranged for a Colorado-certified Lead Inspector to conduct a visual inspection and clearance dust-wipe sampling of affected interior and exterior areas of the home. The inspector

submitted clearance reports directly to EPA Region 8 who monitored the remediation. The inspector's certification, following post-renovation cleaning verification, is enclosed.

*Northern Michigan Complaint #1*

In November 2014, Lowe's received a complaint alleging that an independent Certified Firm did not observe lead safe work practices during an entry door installation project. Lowe's initiated an inquiry into the complaint and believes there was no deviation from lead safe work practice standards. The Company nevertheless arranged for a Certified Firm specializing in cleanup and restoration to review the project site to be responsive to the customer's concerns. As noted below, the Certified Firm's certification is enclosed.

*Southern New York Complaint*

In December 2014, Lowe's received a complaint from a customer alleging that the independent Certified Firm did not observe lead safe work practices during a window installation project. Lowe's has completed its investigation and believes there was no deviation from lead safe work practices. Attached is a copy of the independent Certified Firm's certification.

*North Central Washington Complaint*

In May 2015, Lowe's received a complaint from a customer alleging that the independent Certified Firm on a window installation project did not observe lead safe work practices. Lowe's has completed its investigation and believes there may have been a deviation from the lead safe work practice standards. Lowe's immediately suspended the independent Certified Firm and engaged a separate independent Certified Firm that specializes in environmental abatement to complete the cleaning. As noted below, the Certified Firm's certification, following post-renovation cleaning verification, is enclosed.

**b. Ongoing Inquiries**

*Northern Michigan Complaint #2*

In late November 2014, Lowe's received a complaint from a customer alleging that an independent Certified Firm did not observe lead safe work practices during a project involving a window installation. An inquiry was initiated immediately, and the installer remains suspended from rotation. The investigation is still

ongoing. Lowe's will provide a summary of the status of this inquiry in subsequent periodic reports until it is complete.

**Northwestern Connecticut Complaint**

In February 2015, Lowe's received a complaint from a customer alleging that the independent Certified Firm did not observe lead safe work practices during a window installation project. While Lowe's investigation of the complaint is still ongoing, the issues alleged have been assessed and remediated. Lowe's will provide a summary of the status of this inquiry in subsequent periodic reports until it is complete.

**West Virginia Complaint**

Lowe's received a complaint from a customer in May 2015 alleging that an independent Certified Firm did not observe lead safe practices during an installation job in the West Virginia market. Lowe's has suspended the installer from its rotation and is investigating the complaint. Lowe's will provide a summary of the status of this inquiry in subsequent periodic reports until it is complete.

**7. Deviations**

**CD Requirement**

In any Renovation performed in Target Housing or Child-Occupied Facility where Lowe's inquiry of a Complaint confirms, in Lowe's opinion, a deviation from lead safe work practices by a Certified Firm and/or Certified Renovator, Lowe's shall include a copy of the certification from a Certified Firm and/or Certified Renovator that the area has been cleaned, as provided in CD Paragraph 20. (*CD Par. 21.c.vii*).

**Compliance Status**

Lowe's inquiries into the complaints described above indicate possible deviations from lead safe work practices in renovations performed by independent Certified Firms in the Northern Colorado and North Central Washington markets. Certifications by the independent Certified Firms required by CD Paragraph 20 are enclosed.

May 29, 2015

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Lowe's also encloses certifications of the independent Certified Firms for the renovations that were the subject of Northern Michigan Complaint #1 and the Southern New York complaints, although Lowe's does not believe the independent Certified Firms deviated from lead safe work practice standards.

All of the above information is provided to the best of Lowe's information and belief. If you have any questions or comments regarding the completion of these tasks, or need any further information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Clare Ellis". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

M. Clare Ellis

cc: Jeff Vining, Esq.  
William Wehrum, Esq.



**LOWE'S INSTALLER LRRP CHECKLIST FOR RENOVATIONS PERFORMED IN  
PRE-1978 HOUSING AND CHILD-OCCUPIED FACILITIES**

**INSTALLER CERTIFICATION**

*I, the undersigned Installer, certify under penalty of law that the above information is true and complete, and do hereby certify that I have complied with all requirements of the Lead Renovation, Repair, and Painting Rule ("RRP RULE"), 40 C.F.R. § 745.80, et seq., or any applicable state laws or program regulating lead-based paint safe work practices, including compliance with all information distribution, notice requirements and work practice standards in performing this Renovation Project. I certify that I have provided the Customer with all documentation required to be supplied under the RRP Rule or state program, shall retain all records required by law for at least 3 years or longer if required by state law, and shall provide copies of all the records required to be retained by the RRP Rule or applicable state program upon request. If requested by the Customer, I have provided the Customer with a completed copy of this Renovation Recordkeeping Checklist.*

Brian Ross Project Manager  
Installer Name and Title

May 19, 2015  
Date

Project Was Completed Per Regulation # 19



LOWE'S INSTALLER LRRP CHECKLIST FOR RENOVATIONS PERFORMED IN  
PRE-1978 HOUSING AND CHILD-OCCUPIED FACILITIES

INSTALLER CERTIFICATION

*I, the undersigned Installer, certify under penalty of law that the above information is true and complete, and do hereby certify that I have complied with all requirements of the Lead Renovation, Repair, and Painting Rule ("RRP RULE"), 40 C.F.R. § 745.80, et seq., or any applicable state laws or program regulating lead-based paint safe work practices, including compliance with all information distribution, notice requirements and work practice standards in performing this Renovation Project. I certify that I have provided the Customer with all documentation required to be supplied under the RRP Rule or state program, shall retain all records required by law for at least 3 years or longer if required by state law, and shall provide copies of all the records required to be retained by the RRP Rule or applicable state program upon request. If requested by the Customer, I have provided the Customer with a completed copy of this Renovation Recordkeeping Checklist.*

Jim - Owner  
Installer Name and Title

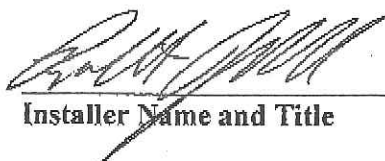
5-15-15  
Date



LOWE'S INSTALLER LRRP CHECKLIST FOR RENOVATIONS PERFORMED IN  
PRE-1978 HOUSING AND CHILD-OCCUPIED FACILITIES

INSTALLER CERTIFICATION

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 Project Manager  
Installer Name and Title

5/18/15  
Date

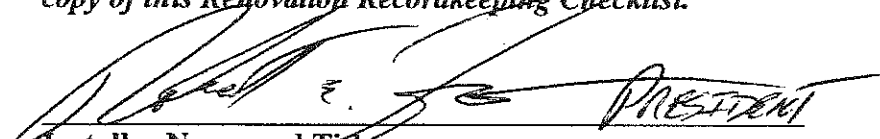


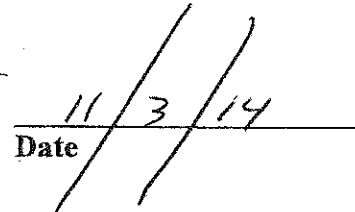


**LOWE'S INSTALLER LRRP CHECKLIST FOR RENOVATIONS PERFORMED IN  
PRE-1978 HOUSING AND CHILD-OCCUPIED FACILITIES**

**INSTALLER CERTIFICATION**

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Installer Name and Title

  
Date





HUNTON & WILLIAMS LLP  
BANK OF AMERICA PLAZA  
SUITE 4100  
600 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000  
FAX 404 • 888 • 4190

M. CLARE ELLIS  
DIRECT DIAL: 404-888-4031  
EMAIL: [cellis@hunton.com](mailto:cellis@hunton.com)

FILE NO: 23797.000952

August 27, 2015

Chief, Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
Re: DOJ No. 90-5-1-1-10673

Chief, Pesticides and Toxics Compliance Section  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (LC-8J)  
Chicago, IL 60604

Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard (C-14J)  
Chicago, IL 60604

Re: Fourth Periodic Report  
Consent Decree between the United States of America and Lowe's Home Centers, LLC  
(Lowe's)  
DOJ No. 90-5-1-1-10673  
Effective Date: August 19, 2014

To Whom it May Concern:

This is to serve as the fourth periodic report regarding implementation of the above-referenced Consent Decree (CD). This report is required to be submitted to the United States on or before August 27, 2015, 30 days following the end of the third 90-day reporting period. (*CD Paragraph 21*). Specific periodic reporting requirements and status details are set forth below.

August 27, 2015

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**PERIODIC REPORT REQUIREMENTS (CD PARAGRAPH 21(C))**

**1. RRP Firm Certification**

**CD Requirement**

Report any change to the status of Lowe's RRP Firm Certification required by Paragraph 13, identification of its Compliance Manager as required by Paragraph 14, or any relocation of the link required in Paragraph 14.b. (*CD Par. 21.c.i*).

**Compliance Status**

Since submission of the third periodic report, there have not been any changes to the status of Lowe's RRP Firm Certification, the identity of its Compliance Manager, or the location of the link required in Paragraph 14.b.

**2. Communication to Certified Firms and Certified Renovators**

**CD Requirement**

Identify the information set forth in Paragraph 16, that Lowe's communicated to Certified Firms and Certified Renovators, or note that no updates were necessary. (*CD Par. 21.c.ii*).

**Compliance Status**

No updates to Lowe's Installer intranet portal were necessary during this reporting period, as there has been no new U.S. EPA guidance or final regulatory changes to the RRP Rule posted on U.S. EPA's RRP website since the last periodic report, nor has there been new guidance on CD implementation issues.

**3. Suspension of Certified Firms and/or Renovators for Expired Certifications**

**CD Requirement**

Include information about suspensions of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.b. (*CD Par. 21.c.iii*).

**Compliance Status**

No firms have been suspended for having an expired RRP Rule certification. Lowe's computerized tracking system automatically removes Certified Firms and/or Certified Renovators with expired RRP certifications from its installer

rotation system on a rolling basis. Because such Firms and/or Renovators are no longer part of Lowe's installer rotation system, they are not eligible for project assignments until they provide documentation of license or certification renewal. At that point, the system is updated and the installer is eligible for the rotation for project assignments.

**4. Suspension of Certified Firms and/or Renovators for Non-Compliance**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators suspended pursuant to CD Paragraph 17.c, if any, along with the general location of stores that suspended such Certified Firms and/or Certified Renovators. (*CD Par. 21.c.iv*).

**Compliance Status**

Lowe's suspended one (1) independent Certified Firm in accordance with CD Paragraph 17.c for possible non-compliance with the RRP Rule since the last periodic report. This firm is located in Lowe's Southern New York market.

**5. Certified Firms and/or Renovators that Failed to Complete Checklist**

**CD Requirement**

Include information about the number of Certified Firms and/or Certified Renovators that Lowe's paid for a Renovation performed in Target Housing or Child-Occupied Facility, but that failed to complete a Checklist as set forth in CD Paragraph 18.b. (*CD Par. 21.c.v*).

**Compliance Status**

To the best of Lowe's information and belief, potentially two (2) independent Certified Firms were paid prior to completing the Checklist during this report period. One of these firms, noted in Section 4 of this report, is located in the Southern New York market. The other firm, noted in Section 6.a of this report, is located in the Northwestern Connecticut market.

August 27, 2015

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**6. Complaints**

**CD Requirement**

Include a summary of the results of Lowe's completed inquiries into each Complaint received as set forth in CD Paragraph 19 of the CD, since the previous periodic report was submitted, or, if Lowe's inquiry is ongoing, a statement identifying when the inquiry began and that the inquiry is ongoing. If the inquiry is ongoing, Lowe's shall provide a summary of the status of the inquiry in subsequent periodic reports until such inquiry is completed. (*CD Par. 21.c.vi*).

**Compliance Status**

Lowe's has completed inquiries into two (2) complaints since the third periodic report was submitted. Inquiry is ongoing with regard to one (1) customer complaint, as outlined below.

**a. Completed Inquiries**

**Northwestern Connecticut Complaint**

Lowe's received a complaint from a customer in February 2015 alleging that the independent Certified Firm did not observe lead safe work practices during a window installation project. After investigation, Lowe's concluded that the independent Certified Firm failed to complete the Checklist (as noted in Section 5 of this report), but it did not identify any deviation from lead safe work practices. Lowe's nevertheless arranged for a second independent Certified Firm to ensure that the home had been cleaned properly and to the customer's satisfaction. Lowe's inquiry into this complaint is now complete.

**West Virginia Complaint**

Lowe's received a complaint from a customer in May 2015 alleging that an independent Certified Firm did not observe lead safe practices during an installation job in the West Virginia market. Lowe's investigation into this complaint concluded that the independent Certified Firm did not perform a lead test in accordance with the RRP Rule. Lowe's therefore suspended the installer from its rotation, as noted in the third periodic report. Lowe's arranged for a second independent Certified Firm to complete the installation. The second independent Certified Firm performed lead testing in the home, the results of which were negative. Lowe's investigation into this complaint is therefore complete.

**b. Ongoing Inquiries**

**Northern Michigan Complaint**

As noted in the second and third periodic reports, in late November 2014, Lowe's received a complaint from a customer alleging that an independent Certified Firm did not observe lead safe work practices during a project involving a window installation. This complaint was identified as "Northern Michigan Complaint #2" in previous reports. An inquiry was initiated immediately, and the installer remains suspended from rotation. Lowe's continues to work towards resolution with this customer and will provide a summary of the status of this inquiry in subsequent periodic reports until it is complete.

**7. Deviations**

**CD Requirement**

In any Renovation performed in Target Housing or Child-Occupied Facility where Lowe's inquiry of a Complaint confirms, in Lowe's opinion, a deviation from lead safe work practices by a Certified Firm and/or Certified Renovator, Lowe's shall include a copy of the certification from a Certified Firm and/or Certified Renovator that the area has been cleaned, as provided in CD Paragraph 20. (*CD Par. 21.c.vii*).

**Compliance Status**

Lowe's inquiries into the complaints described above did not reveal any deviations from lead safe work practices by a Certified Firm and/or Certified Renovator. As stated above, Lowe's inquiry into a customer complaint alleging non-compliance with lead safe work practices at a project in Northern Michigan is ongoing. Lowe's will provide a summary of the status of this inquiry in a subsequent periodic report, including (if necessary) a copy of the certification required by Paragraph 20 of the CD.



August 27, 2015

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All of the above information is provided to the best of Lowe's information and belief. If you have any questions or comments regarding the completion of these tasks, or need any further information, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "M. Clare Ellis".

M. Clare Ellis

cc: Jeff Vining, Esq.  
William Wehrum, Esq.